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Attorneys for Defendants
ZI CORPORATION, a Canadian corporation,
and ZI CORPORATION OF AMERICA, INC.,
a Nevada corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT
SAN FRANCISCO DIVISION

ASIAN COMMUNICATIONS PTY LTD., an
Australian corporation, and TEGIC
COMMUNICATIONS, INC., a Washington
corporation,,

Plaintiffs,

v.

ZI CORPORATION, a Canadian corporation,
and ZI CORPORATION OF AMERICA, INC.,
a Nevada corporation,
Defendants.

Case No. 00-CV-0989 MMC

**~~PROPOSED~~ ORDER GRANTING ZI'S
MOTION TO COMPEL ARBITRATION
AND DENYING WITHOUT
PREJUDICE (1) TEGIC'S MOTION
FOR LEAVE TO FILE MOTION FOR
ORDER TO SHOW CAUSE WHY
DEFENDANTS SHOULD NOT BE
HELD IN CONTEMPT OF CONSENT
JUDGMENT AND (2) TEGIC'S
MOTION FOR CONTEMPT**

~~**PROPOSED**~~ **ORDER**

The following motions came on regularly for hearing before this Court on Friday, November 7, 2008:

- (1) Plaintiff Tegic Communications, Inc.'s ("Tegic") Motion for Leave to File Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt of Consent Judgment ("Motion for Leave," dkt. no. 413);
- (2) Tegic's Motion for Order to Show Cause Why Defendants Should Not Be Held in Contempt of Consent Judgment ("Contempt Motion," dkt. no. 408);
- (3) Defendants Zi Corporation and Zi Corporation of America's (collectively "Zi") Cross-Motion to Compel Arbitration or, in the Alternative, Stay Proceedings Pending Arbitration ("Arbitration Motion," dkt. no. 449); and
- (4) Zi's Motion for Leave to File Surreply to Plaintiff's Reply in Support of Motion for Order to Show Cause ("Motion for Leave to File Surreply," dkt. no. 459).

Having considered the parties' briefs and evidence in support of and in opposition to these motions, the arguments of counsel, the file in this case, and other matters of which the Court may take judicial notice, the Court:

(1) GRANTS Zi's Motion for Leave to File Surreply;

(2) ORDERS that the disputes arising out of or relating to the matters Tegic raised in its Motion for Leave and its Contempt Motion are referred to arbitration under the terms of the parties' Settlement Agreement, the parties remaining free to make jurisdictional objections in such arbitration. The Court makes no ruling as to whether any such issues are subject to arbitration;


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1 (3) DENIES, without prejudice, Tegic's Motion for Leave and Contempt Motion.
2 IT IS SO ORDERED.
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4 Dated: November 19, 2008


Hon. Maxine M. Chesney
U.S. District Judge

6 APPROVED AS TO FORM:
7

8 Dated: November 18, 2008

MAYER BROWN LLP

9 By: Eric B. Evans

10 MAYER BROWN LLP
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14 *Counsel for Defendants Zi Corporation and Zi Corporation of America, Inc.*

15 Dated: November 18, 2008

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

17 By: 
18

19 QUINN EMANUEL URQUHART OLIVER &
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21 555 Twin Dolphin Drive, Suite 560
22 Redwood Shores, CA 94065

Counsel for Plaintiff Tegic Communications, Inc.

23 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that*
24 *the signatories' concurrence in the filing of this document has been obtained.*
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